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Application No.: 10/065,795
Applicants: Zehner et al.
Confirmation No.: 6559
Filed: November 20, 2002
Group Art Unit: 2672
Examiner: Kovalick, Vincent E.

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OFFICIAL

Cambridge, Massachusetts
September 5, 2003

**PETITION FOR ACCEPTANCE OF UNINTENTIONALLY DELAYED CLAIM
FOR PRIORITY UNDER 37 CFR 1.78(a)(3)**

Assistant Commissioner for Patents
Washington DC 20231

Sir:

Applicants hereby petition for acceptance of an unintentionally delayed claim for priority in the above application under 37 CFR 1.78(a)(3). More specifically, applicants petition that, in addition to being a continuation-in-part of Application Serial No. 09/561,424 (now U.S. Patent No. 6,531,997), this application also be accorded the benefit of Application Serial No. 60/131,790, from which Application Serial No. 09/561,424 claims priority.

This application has a complicated "ancestry". It claims direct priority from five provisional applications, which are correctly listed on the Application Data Sheet, the Filing Receipt and the Patent Application Publication 2003/0137521. This application is also a continuation-in-part of Application Serial No. 09/561,424 (now U.S. Patent No. 6,531,997), which in turn is a continuation-in-part of Application Serial No. 09/520,743 (now U.S. Patent No. 6,504,524). The undersigned attorney, in filing this application as a continuation-in-part of Application Serial No. 09/561,424, intended, in accordance with conventional practice, to assert in addition all of the priority claims to

Zehner et al.

Serial No. 10/065,795

Petition for Acceptance of Unintentionally Delayed Claim for Priority

Page 2

which Application Serial No. 09/561,424 was itself entitled, as shown by the claim to the benefit of Application Serial No. 09/520,743. However, by a clerical error on the part of the undersigned attorney, no claim was made to the benefit of Application Serial No. 60/131,790, from which Application Serial No. 09/561,424 itself also claims priority. This omission only came to the attention of the undersigned attorney within the last ten days, when the attorney had occasion to review the "ancestry" of this application in connection with the filing of further related applications. This Petition was filed with dispatch after discovery of the missing priority claim.

Belated addition of the aforementioned priority claim is respectfully solicited on the grounds that, for the foregoing reasons, the failure to claim the benefit of Application Serial No. 60/131,790 at the time of filing this application was inadvertent, and that this Petition was filed as soon as reasonably possible after discovery of the error. Furthermore, any prejudice to the public arising from the belated addition of the priority claim will be minimal, since the public was already on notice, from the published Patent No. 6,531,997, that Application Serial No. 09/561,424 was entitled to the benefit of Application Serial No. 60/131,790.

This Petition is accompanied by (a) a Preliminary Amendment inserting into the "Cross Reference to Related Applications" section of the Specification the reference to Application Serial No. 60/131,790 required by 35 USC 120 and 37 CFR 1.78(a)(2); (b) a Fee Transmittal authorizing the charging to the assignee's Deposit Account of the fee required for this Petition by 37 CFR 1.17(t); and (c) an amended Application Data Sheet.

Zehner et al.

Serial No. 10/065,795

Petition for Acceptance of Unintentionally Delayed Claim for Priority

Page 3

Respectfully submitted



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